

EXHIBIT OLN-243

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1023 Enclosure

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EXHIBIT
OLN-2431
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4 DEPOSITION OF ROBERT EARL5 Partially Declassified/Released on 20 May 1987
6 under provisions of E.O. 12356
7 by B. Roger, National Security Council

8 Saturday, May 2, 1987

9 House of Representatives,

10 Select Committee to Investigate Covert

11 Arms Transactions with Iran,

12 Washington, D.C.

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15 The committee met, pursuant to call, at 3:30 p.m., in
16 Room 901, Hart Senate Office Building, W. Neil Eggleston
17 (Deputy Chief Counsel of the House Select Committee) presiding.
18 Present: W. Neil Eggleston, Deputy Chief Counsel; Mark
19 Belnick, Executive Assistant to the Chief Counsel; Terry
20 Smiljanich, Associate Counsel; Richard A. Arenberg, Administra-
21 tive Assistant to U.S. Senator George J. Mitchell; Victoria F.
22 Nourse, Senate Select Committee; Richard Cullen, Administra-
23 tive Assistant to Senator Paul Trible; and Dennis Dean Kirk,
24 Esquire, Counsel for Robert Earl.
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1 soon the Attorney General's people were planning to come over?

2 A Yes. It was unclear whether it was going to be
3 Saturday, Sunday, Monday, or exactly when.

4 Q You understood that by the time you started
5 disposing of the files?

6 A Yes.

7 Q Anything more on Friday?

8 A Not that I can recall at the moment.

9 Q When you left the office Friday, do you recall,
10 whether Colonel North and Fawn Hall still were there?

11 A I think when I left the office, that only Colonel
12 North was there, but I am not positive of that.

13 Q The next morning is Saturday, November 22. Did
14 you go to work that morning?

15 A I got a call from, I believe, White House Signal,
16 but I am not sure now whether it was Paul Thompson calling
17 me or whether a message was relayed through the White House
18 Signal, but somebody called me to say "Come and open up the
19 office," that Colonel North wasn't available, couldn't be
20 found. So I went in and opened up the office.

21 Q Just let me ask you. Back on the 21st -- do you know
22 Tom Green?

23 A Yes.

24 Q Did he come to Suite 302 on Friday, the 21st, before
25 you left? **UNCLASSIFIED**

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1 A Not that I recall. He may have, but that I recall.

2 Q Now we are back on Saturday morning. You get a
3 contact from White House Signal, et cetera. Do you go to
4 302 and open up?

5 A I recall driving through the gate and parking on
6 the street between OEOB and the West Wing. I wasn't sure
7 whether I ought to go up to Paul Thompson's office or over
8 to Paul's office. I recall considering that, but I don't
9 recall what my solution to the dilemma was. I went to one
10 of the two places first. I do recall I did eventually,
11 either directly or secondly, go to the office and open it up.

12 Q You were the first guy to arrive at 302 that
13 morning?

14 A Yes.

15 Q Now, do you remember, were files laid out when you
16 opened the office up?

17 A This is another one that I cannot recall, whether
18 the circular table in front of Colonel North's desk had files
19 on it at that point when I got there or whether it was empty
20 and I added all the files for them to review.

21 Q In any event, the table you are referring to --
22 which I imagine you are going to tell me, the AG representa-
23 tives reviewed documents, right?

24 A Yes.

25 Q That on Exhibit 2 is the table marked "conference

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1 table" in North's office, right?

2 A - Correct.

3 Q Okay. Did the Attorney General's people arrive
4 next or someone before them?

5 A At some point, I am not sure exactly how much later,
6 but I think what happened next was that Paul Thompson brought
7 over two representatives from the Department of Justice,
8 Bradford Reynolds, and I think his name is John Richardson,
9 introduced me, said they were there to look at files on the
10 Iran project, and then I think Paul Thompson left.

11 Q And Richardson and Reynolds started their review?

12 A Correct.

13 Q Do you recall their asking you for any specific
14 documents, files?

15 A I recall that they asked for more documents, or
16 maybe all of them. If the table was empty, they asked for
17 all the documents; if the table had some of them arranged,
18 they asked for more. I recall going behind Colonel North's

19 into this credenza and going thorough files in his
20 credenza, pulling them out and looking at the subject title
21 to see if they were relevant and putting some of them that
22 were I believe relevant onto the table for their review.

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1 So I looked through all those documents behind Colonel North's
2 desk, I couldn't find them. I will go into that more if you
3 want. They were subsequently found.

4 Q Where did you find them?

5 A I didn't find them, Colonel North found them. When
6 he came in, I told him of their request for them.

7 Q Now, Richardson and Reynolds were in Colonel North's
8 office, you were in there with them?

9 A Initially, I was in there looking for the files in
10 the credenza, and I also from his desk placed a call to him to
11 let him know that I was in his office and the people were
12 there, and to see if he had gotten the call and was en route,
13 and he had said, yes, he had gotten the call, and he would be
14 there in a while. I am not sure exactly how much later, an
15 hour, or maybe two hours later.

16 Q That was the substance of your conversation with
17 him?

18 A Yes.

19 Q He arrived next at 302. Was he the next person to
20 come in?

21 A No.

22 Q Who came next?

23 A The next thing that happened is that they left to
24 go to lunch with the Attorney General. On their way out,
25 in the passageway, they ran into Colonel North coming in.

THEATRE

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1 They had a brief conversation in the hallway, and then Colonel
2 North came into the office.

3 || Q Did you overhear their conversation?

4 A No. I observed it, I was on my way out and saw
5 them down there talking to Colonel North. So I never got out
6 of the office when Colonel North arrived.

7 || Q North came into the office?

8 I told him of the request of the team

He said he didn't know where they were
filed and started looking around, and apparently found them.
I am not sure that he found them while I was still there or
while I was on the same floor with him. My recollection is
when Richardson and Brad Reynolds returned, there was a file,
an empty file folder on the desk that had not been there
before that Bradford Reynolds held up and said, "Now, that is
very sensitive," because it was empty, and I couldn't explain
why it was sensitive.

18 Q We get protection of documents like that from the
19 White House all the time.

20 A Colonel North was out of the office at that time.
21 When he returned, he explained they had been filed in one of
22 these files over here.

23 In front of Barbara Brown's desk?

24 A Yes, and had taken them and put them with

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1 Q Before the AG team came back, did you and North have
2 any conversation apart from talking about [REDACTED]

3 A Not that I can recall the substance of, although
4 there were a couple little parts that I recall before the AG's
5 teams -- before they returned.

6 Colonel North continued to review documents, and I
7 think found others that were suitable for the category that
8 we had been looking for the day before.

9 Q Termination?

10 A Termination.

11 MR. LEON: Where was he looking for those, among
12 the files they had just reviewed?

13 THE WITNESS: I don't think so, but I am not posi-
14 tive. I think it was other files back on his desk. I am
15 not sure where -- oh, and one of the things he told me when
16 he first came in was that the shredder had broken the night
17 before, because I reached up to turn it on, and sure enough,
18 it wasn't working. Then when he was compiling material --

19 BY MR. BELNICK:

20 Q Can I stop you there for a second, Bob? Was the
21 shredder bag full?

22 A I don't recall.

23 Q Was the machine the kind of machine you could see
24 the bag, or would you have to open it? Was the bag visible?

25 A I think it was. [REDACTED]

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1 Q It didn't work. Did he ask you to find a working
2 shredder?

3 A He didn't ask me. I intuited it from what he was
4 doing. I told him I was going across the hall to CMC where
5 I knew they had a shredder and see if we could get in there.
6 The door was locked, so I couldn't get in. And at some
7 point -- the recollection that I had, rather than speculate
8 how we get to it, is of Colonel North with a file and a
9 stack of documents that I knew from all of this were to be
10 shredded, had Paul Thompson standing beside him and in some
11 way a reference to going over to the sift room with a hefting
12 of the documents -- I am not exactly sure what, but I knew
13 what he meant, and I don't know what Thompson knew or
14 inferred from that.

15 Q Did Ollie have the documents he was carrying in
16 folders?

17 A I think it was one folder with a bunch of papers in
18 them, but I am not sure.

19 Q Do you know what kinds of papers they were? You
20 say they were the kind that qualified for the Termination
21 Department. Do you remember -- what were they, PROF messages,
22 something else?

23 A I don't know.

24 MR. LEON: This kind of folder?

25 MR. BELNICK: The record can't see that.

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1 MR. LEON: Accordion-type folder.

2 THE WITNESS: I don't recall whether it was
3 accordian or the kind that doesn't have sides on it, just a
4 manila folder open. It could have been either.

5 BY MR. SELNICK:

6 Q Did Colonel North and Thompson walk toward the West
7 Wing together?

8 A I am not sure. I think they did.

9 Q In any event, they weren't there when the AG team
10 returned?

11 A That is right. I was alone.

12 Q The AG team came back, said hello, and they started
13 to do that good work again?

14 A And asked about the new folder without any documents
15 in it.

16 Q Other than that, it was the same as the morning
17 had been, more exciting review?

18 A At some point, Colonel North came back. I don't
19 know which one it was, Reynolds or Richardson, told Colonel
20 North the Attorney General would like to speak to him. So
21 Colonel North called the Attorney General.

22 Q In his office, from his office?

23 A Yes. He was sitting back there talking to him. I
24 believe it was to him. He called him sir, and were arranging
25 for a meeting the next day. What I heard from Colonel North's

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1755 MASSACHUSETTS AVENUE, N.W., WASHINGTON, D.C.
WITNESSED BY THE SECRETARY

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